

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 18 - HB 561**

March 28, 2021

**SUMMARY OF BILL:** Creates a temporary suspension of the loss of voting rights for persons convicted of a felony that is not one of the convictions permanently removing the right to vote. Establishes that persons with a temporary loss of voting rights will automatically have those rights restored, rather than be authorized to apply for a voter registration card, when certain conditions are met.

Requires the Coordinator of Election to maintain a list of suspended voter registrations.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-29-202, a person convicted of a felony is eligible to apply for restoration of voting rights upon receiving a pardon, discharge from custody for service or expiration of the maximum sentence, or being granted a certificate of final discharge.
- A person is further prohibited from eligibility to apply for a voter registration card unless the person has paid all restitution to victims of the offense, all court costs assessed against the person for a trial if the applicant is not indigent, and all child support obligations.
- The proposed legislation renders a person eligible to apply for a voter registration card upon release from custody and regardless of any debts paid.
- Pursuant to Tenn. Code Ann. § 40-29-203, the pardoning authority, warden or agent of the incarcerating authority, or parole officer or agent of the supervising authority are authorized to provide a restoration of voting rights application to an eligible person upon request.
- The proposed legislation requires the party that issued the application for voter registration to complete the form and forward a copy to the Coordinator of Elections.
- Any person whose right of suffrage would have been automatically restored is authorized to request and be issued a voter registration application by the pardoning authority, warden or agent of the incarcerating authority, or parole officer or agent of the supervising authority.

- The issuing authorities can provide and complete voter registration applications for newly-released persons or previously released persons that request an application within existing resources.
- Pursuant to Tenn. Code Ann. § 40-29-203(d), completed voter registration applications are sent to the local county election commission in the county the applicant desires to register to vote, before they are sent to the Coordinator of Elections for certification the application is correct.
- The proposed legislation establishes that the applications will be sent directly to the Coordinator of Elections. Removing the initial step of forwarding completed applications to the Coordinator of Elections will not significantly impact the policies, procedures, or staffing needs of local election commissions.
- Pursuant to Tenn. Code Ann. § 2-6-106(a), a voter's registration is purged upon receiving information that a person has been convicted of a felony from the Coordinator of Elections, District Attorney General, US Attorney, or clerk of the court that entered the conviction.
- The proposed legislation requires local county election commissions to place the registration in a suspended status after receiving conviction information from the same sources, unless the conviction permanently removes the right to vote pursuant to § 40-29-204.
- The local Administrator of Elections is required to report suspended voter registrations to the Coordinator of Elections, who shall maintain a list of such voters.
- Local election commissions and the Coordinator of Elections can record the suspended voter status under the provisions of the proposed legislation within existing resources.
- Based on information provided by the Administrative Office of the Courts, the proposed legislation will not result in a significant increase in caseloads for the state and local courts. Any increase in expenditures will be absorbed within existing state and local resources.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/ar